



SHIRE OF LAVERTON

MINUTES

**FOR THE ORDINARY MEETING OF COUNCIL
HELD**

18 OCTOBER 2012

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MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE SHIRE OF LAVERTON COUNCIL CHAMBERS ON 18 OCTOBER 2012, COMMENCING AT 5.00 PM.

1. DECLARATION OF OPENING

The President, Cr R Wedge declared the meeting open at 5.00pm and read the disclaimer as printed in the Agenda.

2. ANNOUNCEMENT OF VISITORS

Nil.

3. RECORD OF ATTENDANCE

3.1 PRESENT

Cr Rob Wedge	President
Cr Patrick Hill	Councillor
Cr Leslee Hawkins	Councillor
Cr Shaneane Weldon	Councillor
Cr Beatrice Fuamatu	Councillor

Mr David McKinley	Executive Manager Technical Services
Mrs Deanne Prior	Exec Mgr Corporate & Comm Services/Acting CEO
Mrs Lynda Barnes	Executive Assistant
Mr Glenn Bone	Project Officer

3.2 APOLOGIES

Mr Steven Deckert	Chief Executive Officer
Cr Rex Ryles	Deputy President

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5. PUBLIC QUESTION TIME

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE

OC1001 6.1 APPLICATIONS FOR LEAVE OF ABSENCE

File Ref: 210

Cr B Fuamatu made a verbal request for Leave of Absence from the November and December Ordinary Meetings of Council as she will be out of Laverton on personal leave.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1001 COUNCIL'S DECISION:

Moved Cr S Weldon, Seconded Cr L Hawkins

That Cr B Fuamatu's application for a leave of absence from the Ordinary Meetings of Council on 22 November 2012 and 13 December 2012, as she will be on personal leave, be approved.

CARRIED 5/0

OC1002 6.2 APPLICATIONS FOR LEAVE OF ABSENCE

File Ref: 210

Cr R Wedge made a verbal request for Leave of Absence from the November Ordinary Meeting of Council as he will be out of Laverton on personal leave.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1002 COUNCIL'S DECISION:

Moved Cr S Weldon, Seconded Cr L Hawkins

That Cr R Wedge's application for a leave of absence from the Ordinary Meeting of Council on 22 November 2012, as he will be on personal leave, be approved.

CARRIED 5/0

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

14.1 Expressions of Interest to develop new supermarket in Laverton – update following advertising of EOI's (File Ref: 321)

Mrs L Barnes entered the meeting at 5.02pm.

8. CONFIRMATION OF MINUTES

OC1003	8.1 ORDINARY COUNCIL MEETING – 20 SEPTEMBER 2012	File Ref: 81
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VOTING REQUIREMENTS:

Simple majority decision required.

OC1003 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr P Hill

That the Minutes of the Ordinary Meeting of Council held on 20 September 2012 be confirmed as a true and accurate record.

CARRIED 5/0

9. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1	PRESIDENT'S REPORT	File Ref: 198
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The President, Cr R Wedge provided a verbal report of his activities during September and informed the meeting he will table his written report at the next Ordinary Meeting of Council on 22 November 2012.

10.2	COUNCILLOR'S REPORT	File Ref: 055
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Cr P Hill provided a verbal report of his activities during September and informed the meeting he will table his written report at the next Ordinary Meeting of Council on 22 November 2012.

11. REPORTS OF COMMITTEES AND OFFICERS

Declaration of Interest

Cr R Wedge declared a Financial Interest, pursuant to the *Local Government Act 1995*, in the following Item 11.1.1 as owner of a comparable business that may be financially impacted by the approval of this Agenda Item.

Cr P Hill declared an Impartial Interest, pursuant to Council's Code of Conduct, in the following Item 11.1.1 as Cr P Hill is the Acting President of the Laverton Sports Club.

As the Deputy President Cr R Ryles was not present at the meeting, pursuant to section 5.6(3)(b) of the *Local Government Act 1995*, those Councillors in attendance chose Cr P Hill to preside at the meeting in the absence of the President and the Deputy President.

Moved Cr L Hawkins, Seconded Cr S Weldon

CARRIED 4/0

Cr R Wedge left the meeting at 5.07pm.

On the departure of the President, Cr P Hill assumed the chair.

11.1 HEALTH, BUILDING AND TOWN PLANNING BUSINESS

OC1004 11.1.1 PLANNING APPLICATION – PROPOSED MOTEL AND MINING WORKERS ACCOMMODATION (WITH ASSOCIATED FACILITIES INCLUDING A SHOP, DINING FACILITIES, OFFICE, AMENITIES, BUS PARKING AND CARPARKING.	File Ref: 270
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Smith Prell Superannuation, owner of the Laverton Caravan Park.

AUTHOR: Liz Bushby, Gray & Lewis Landuse Planners.

SENIOR OFFICER: Steve Deckert, Chief Executive Officer.

PREVIOUS MEETING REF: Minute OC0227, 16 February 2012.

MATTER FOR CONSIDERATION:

To consider a planning application for a motel and mining workers accommodation development on Lot 202 Weld Drive, Laverton. The development includes associated facilities such as a shop, dining facilities, office, amenities, bus parking and carparking.

This report recommends that the application be advertised for public comment in accordance with the requirements of the Shire of Laverton Town Planning Scheme No 2 ('the Scheme').

The report also provides Council with an opportunity to undertake a preliminary assessment and consider matters such as elevation quality, traffic circulation, landscaping, carparking and landuses.

ATTACHMENTS:

Attachment 11.1.1 "A" – Planning Submission by Applicant.

Attachment 11.1.1 "B" – Special Use provisions / scheme extract.

APPLICANT'S SUBMISSION: Refer to the Planning Submission by Applicant.

BACKGROUND:

- *Scheme Amendment 1 / Zoning*

At the Ordinary Meeting of Council on 16 February 2012, Council granted final approval to Amendment No. 1 to the Shire of Laverton Town Planning Scheme No 2 ('the Scheme').

Lot 202 is zoned 'Special Use' under the Scheme. Amendment No. 1 introduced new permissible landuses and conditions for future development of Lot 202 Weld Drive, Laverton. Amendment 1 was gazetted on the 15 June 2012.

STATUTORY ENVIRONMENT:

Shire of Laverton Town Planning Scheme No. 2 ('the Scheme') - Lot 202 is zoned "Special Use Zone No. 4" and is subject to specific objectives and conditions under Schedule 4 of the Scheme (Attachment 11.1.1 "B").

2010 Amendment Act – The applicant can opt to lodge an application to a Development Assessment Panel (DAP) as the value of the development is between \$3 and \$7 million. The applicant has not lodged an 'opt in' DAP application.

POLICY IMPLICATIONS:

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:

The Shire has entered into a contract for sale regarding this land.

STRATEGIC IMPLICATIONS:

The outcome of this development, if undertaken, will assist in providing much needed accommodation in the Laverton area.

CONSULTATION:

This report recommends that the application be advertised for public comment as it is a mandatory Scheme requirement. Clause 9.4 of the Scheme requires advertising for 14 days through one or more of the following:

- Letters to surrounding and nearby landowners
- A newspaper notice and / or
- A sign on site.

It is recommended that advertising occur through letters to surrounding landowners and a notice in a local newspaper.

COMMENT:

- ***Description of Application***

Mr Garry Wilson on behalf of Gwalia Properties Pty Ltd has submitted the planning application for Council's consideration.

The application proposes as follows:

- Eight (8) two person accommodation units fronting Weld Drive proposed as motel units (16 person capacity). The motel units will include two disabled units, Foxtel TV and two family rooms.
- Twenty (20) four person accommodation units in the centre and rear portion of the site as Mining Worker's Accommodation (80 person capacity).

- The kitchen from the caravan park will be relocated to this site to form part of an upgraded restaurant/ dining facility.
- A kiosk/ convenience store is proposed with an alfresco area which will be available to the public. The alfresco will offer coffee, sandwiches, hamburgers and a limited menu.
- The applicant proposes a small water feature and display in front of the alfresco area, depicting an item of early mining (such as an old steam engine or mining equipment).
- An associated office, gymnasium, laundry, toilet block, and recreation room is proposed.

The applicant has advised that a key stone client requires 80 rooms over the next 12-14 months.

- **Proposed Landuses**

Council has discretion to consider a range of Special Uses on Lot 202 including caretakers dwelling, civic use, community purpose, grouped dwelling, mining workers accommodation, motel, office, residential building and tourist accommodation.

The proposed 'motel', 'mining workers accommodation' and 'office' is an 'A' use in this Special Use zone which means that *'the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4'*.

It is important to note that a 'shop' or 'convenience store' is not specifically listed as a Special Use that Council has discretion to approve under Schedule 4 of the Scheme.

Notwithstanding the above, Council has broad discretion to consider a range of facilities as part of the 'Mining Workers Accommodation' landuse which do not need to be limited to the exclusive use of staff.

Mining Workforce Accommodation is defined in the Scheme as *'means a building or buildings used for the accommodation of staff engaged in the mining industry and any spouse, partner or dependent child of a person engaged in the mining industry. Mining Workforce Accommodation may include a range of associated facilities which need not be for the exclusive use of staff including, but not limited to, catering or the provision of meals, sporting, open space, recreational or laundry facilities, car parking and bus parking, but does not include a Dwelling or Residential Building as defined in the Residential Design Codes.'*

It is clear that Council has the ability to approve the proposed restaurant, alfresco area, recreation room, gymnasium, recreation room, toilets and laundry as part of the overall mining workers accommodation use.

Gray & Lewis is of the view that this broad discretion can be extended to the proposed shop/ kiosk/ convenience store if Council is satisfied that the use is associated with the Mining Workforce Accommodation.

The applicant has not provided a high level of detail on the types of products to be sold from the shop/ kiosk/ convenience store other than to explain that it will provide for light meals in the alfresco area. The applicant advises that it has never been their intention to provide a kiosk/shop however *'it is clear the town badly needs some form of supermarket'*.

Gray & Lewis supports that the workers on site would benefit from a kiosk facility for meals and drinks as their rooms do not include any kitchen / cooking facilities.

Gray & Lewis have reservations over inclusion of a shop and whether it can reasonably be construed as a facility associated with the mining workers accommodation. The degree of the relationship between the shop and the mining workers accommodation largely depends on how it will operate and the products intended to be sold.

A small convenience store that caters for the day to day needs of workers may be justified and provide convenience goods such as drinks, pre-packaged snacks, toiletries and the like. These types of small scale shops commonly operate as part of accommodation sites such as caravan parks.

A supermarket selling meat and vegetables, pet products and the like however would be more independent of the mining workers accommodation use, and less appropriate to consider as part of the 'mining workers accommodation' landuse definition.

It is recommended that the applicant be requested to provide more details to clarify what is proposed as the 'kiosk / store / convenience store' with additional information on hours of operation, a floor plan, typical goods and products to be sold, hours of operation and clarify the relationship to the mining workers accommodation.

Councillors are encouraged to discuss the proposed shop use and provide feedback to the applicant.
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Elevations and visual appearance

The Scheme has an objective for this Special Use zone to '*Ensure that all development is designed to a high standard and does not detract from the streetscape*'.

This is consistent with the Laverton Masterplan which embodied a design concept of a residential village and common gardens and facilities in the Weld Drive Precinct.

Gray & Lewis is of the view that the elevations for the proposed Mining Workers Accommodation are ordinary as they consist of flat roofed, rectangular buildings with no architectural features such as any roof pitch, decking, external verandah etc

Gray & Lewis recommends that as a minimum better quality elevations need to be provided for the two person units fronting Weld Drive. Although the site plan indicates that verandahs will be provided to the two person accommodation units, it is recommended that the applicant be requested to provide more detailed floor plans and elevations with architectural features that demonstrate the development will positively contribute to the existing streetscape.

It is also recommended that the applicant provide additional landscaping areas on the site plan that can effectively screen any of the flat roofed Mining Workers Accommodation units that will be visible from the street through the central driveway view corridor.

Councillors are encouraged to discuss the elevations and provide feedback to the applicant.

Carparking/ bus parking

The current site plan proposes carparking as follows:

- 1 car bay per motel unit
- 13 car bays in front of the office/ kiosk / alfresco area
- 26 potential car bays to the rear of the site.

Carparking is to the discretion of Council and it is difficult to ascertain the number of bays required to adequately service the development. Although the applicant is pursuing possible parking options on adjacent Lot 206, it is only reasonable to take into account carparking that can be accommodated on Lot 202 at this stage.

The applicant has advised that the clients will be mainly miners going to Granny Smith mine so will travel to and from the mine on a 20 seater bus. They envisage that 3 buses will meet their needs, and will leave the site at around 6.00am and return approximately 5.30pm.

Gray & Lewis generally supports that minimal carparking is likely needed for the Mining Workers Accommodation as they will be provided with transport to work, and there are local services within walking distance in town. Some carparking bays should be allocated for mining staff who may have cars to utilise outside of work, and visitors they may receive (e.g. one bay per every two accommodation buildings / block).

Adequate on site carparking needs to be provided for:

- Office/ administration workers
- Facilities available to the general public (such as the kiosk/alfresco area)
- Visitors to the site such as kitchen staff, office workers, cleaners.

Gray & Lewis is generally not supportive of the location of parking to the rear of the lot as it is relatively remote from the main facilities that will be publicly accessible such as the alfresco area, shop and office. If parking is not conveniently located and clearly visible from the street, then it is more likely people will park on the verge or in the Weld Drive road reserve.

Gray & Lewis is also concerned that the front carpark has a dual use to cater for bus parking, staff parking and public carparking. Generally it is desirable to separate the two vehicle types, especially as buses pulling out may impede cars entering and egressing the same carpark. There is potential for families, visitors and other members of the public to attend the alfresco and it would be safer to have one car dedicated area and one bus dedicated area.

There is scope for bus parking to occur to the rear of the site where they have sufficient area to turn around and egress the site in forward gear, separate from any car parking.

It is recommended that the applicant be requested to provide more comprehensive information for carparking assessment including clarification of the shop use (as already discussed), anticipated number of staff for the office / kitchen operation and cleaning, whether staff will be accommodated on site, and to separate the areas for public carparking and bus parking.

It is also recommended that the applicant be requested to review the number of carparking bays provided, and the location as carparking needs to be clearly visible for visitors to the site and provide convenient access to buildings such as the office and alfresco. It is not clear whether the 'diner' is also proposed to be open to the public as that impacts on carparking adequacy.

At this juncture, Gray & Lewis supports the 1 car bay provided per motel unit, however the 13 bays provided in front of the office may not be sufficient. It is difficult to form an informed opinion until more information is provided by the applicant.

The site plan does not provide any indication of the standard of carpark and whether it will be sealed, kerbed or compacted gravel.

Loading Areas

The applicant advises that that they will be *'bringing in a substantial amount of produce to facilitate the feeding of 120-130 men'* and has provided a loading area in front of the kitchen/dining building with access from Weld Drive.

Gray & Lewis does not recommend support for the loading area location for the following reasons:

- Trucks will either have to back into the loading bay or if enter in forward gear, they will have to reverse out onto Weld Drive on a bend.
- The design should allow for trucks to enter and depart the site in forward gear with an adequate manoeuvring area.
- There is potential for traffic conflict between the loading crossover and an adjacent angled crossover to the bus parking / carpark near the kiosk/alfresco area.
- The loading area for the kiosk is generally supported, as long as it caters for the truck sizes needed to service the use.

It is recommended that the applicant be requested to review the loading area and crossover locations for the reasons above, and provide a truck movement and bus movement plan on the site plan. Written advice on the size of trucks and anticipated number of deliveries per week is also required.

Fencing

The applicant has advised the front fence is proposed to be Colorbond with cyclone wire inserts to allow partial viewing of the front landscaping, and breakup the visual effect of the fence. A streetscape view of the fence is included in an elevation drawing.

The applicant has advised that corrugated iron fencing is proposed along the side and rear boundaries. Side and rear boundary fencing is not a planning consideration however there is a restrictive covenant requiring the Shires approval of any barbed wire, electric or wire strand fencing and any side fencing unless constructed out of powder coated steel panel, Colorbond panel, pine lap, limestone or masonry.

Landscaping

The Scheme includes a condition that *'a minimum of 10% of the site shall be landscaped with particular regard to street frontages and outdoor recreation areas. Note: The use of indigenous species and water wise design principles is encouraged'*.

The applicant has advised that the front area near the alfresco will be landscaped and include a water feature and mine related display which is supported. The extent of landscaping proposed on the remainder of the site is not clearly demarked on the site plan.

The carpark in front of the office / alfresco area extends to the front property boundary, with no landscaping separation to the Weld Drive road reserve. It is recommended that a landscaping strip be required in front of the carpark to provide visual relief of any parking / hardstand area, for streetscape and amenity, and to accommodate shade trees for the carpark.

As discussed in this report, it is also recommended that the applicant be requested to provide landscaping to screen the flat roofed mining workers accommodation units adjacent to the main driveway where they would otherwise be visible from Weld Drive (unless they improve the elevations).

Councillors are encouraged to discuss landscaping and provide feedback to the applicant.
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Levels / Contours

Gray & Lewis is of the understanding that the site falls approximately 2 metres from rear to the front, therefore the applicant needs to demonstrate how the level differences will be addressed by the development, and any proposed fill/ retaining walls which may increase the finished floor levels of development. It is recommended that the applicant be requested to provide contour information on the site plan and how the natural topography is to be addressed.

Aboriginal Heritage

Scheme Amendment 1 which was the catalyst to facilitate this development was referred to the Department of Indigenous and Aboriginal Affairs for comment. At that time DIA lodged a submission advising that there is an aboriginal site located on a portion of Lot 202 which has been amended to be listed as mythical.

It is recommended that as part of advertising of this application, a referral be made to DIA for comment.

Rubbish Collection

The developer needs to provide adequate areas for rubbish bin collection and advice on the method proposed for rubbish disposal or use of any bulk bins.

Caretaker / Management of site

It is unclear how the site will be managed and whether there will be an onsite caretaker. It is recommended that the applicant be requested to provide additional information on how the businesses proposed will operate, and clarify which uses will be available to the public.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1004 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr B Fuamatu, Seconded Cr S Weldon

That Council:

- 1. Advise the applicant that whilst the development is generally supported there are design issues that can be resolved through**

continued discussion with Shire officers. As this is a prime site within the Laverton townsite, and an area identified in the Laverton Masterplan for quality accommodation, matters such as traffic flow, presentation, elevations, etc are important planning considerations.

2. Provide preliminary feedback to the applicant and request additional information prior to commencement of advertising as follows:
 - (a) The Special Use provisions applicable to this lot do not specifically allow for any shop or convenience store use. There may be some scope to support a small scale facility required to service the day to day needs of the mining workers accommodation. The Council needs additional information to examine whether it has discretion over the use therefore the applicant is requested to clarify what is proposed as the 'kiosk / store / convenience store' with additional information on hours of operation, a floor plan, typical goods and products to be sold, hours of operation and clarify the relationship to the mining workers accommodation.
 - (b) Council needs to be satisfied that the development meets an objective of the Special Use zone on Lot 202 to '*Ensure that all development is designed to a high standard and does not detract from the streetscape*'. The site plan indicates that verandahs will be provided to the two person accommodation units. The applicant is requested to provide more detailed floor plans and elevations with architectural features that demonstrate the development will positively contribute to the existing streetscape. Council has a high expectation for elevations of the units fronting Weld Drive to be of a high quality.
 - (c) Review the elevation presentation of the Mining Workers Accommodation or provide additional landscaping areas on the site plan that can effectively screen any of the flat roofed Mining Workers Accommodation units that will be visible from the street through the central driveway view corridor.
 - (d) Review the carparking layout and number of bays with separation between bus parking, staff parking and public carparking.
 - (e) Ensure buses and trucks can enter and depart the site in forward gear. There is scope for bus parking to occur to the rear of the site where they have sufficient area to turn around and egress the site in forward gear, separate from any public car parking area.
 - (f) Some carparking bays should be allocated for mining staff who may have cars to utilise outside of work, and visitors they may receive (e.g. one bay per every two accommodation buildings / block).
 - (g) Review the location of parking to the rear of the lot as it is relatively remote from the main facilities that will be publicly

accessible such as the alfresco area, shop and office. Ensure carparking is provided in a convenient location to service the alfresco and office uses.

- (h) Provide more comprehensive written information for a detailed carparking assessment including clarification of the shop use, anticipated number of staff for the office / kitchen operation and cleaning, and whether staff will be accommodated on site. It is not clear whether the 'diner' is also proposed to be open to the public as that impacts on carparking adequacy.
- (i) Clarify the seating capacity for the dining area and separate alfresco area due to the statement '*bringing in a substantial amount of produce to facilitate the feeding of 120-130 men*' compared with the 96 accommodation units proposed.
- (j) Advise of the standard of carpark and whether it will be sealed, kerbed or compacted gravel. Ensure that the standard proposed is notated on the site plan.
- (k) Relocate and review the dining / kitchen loading area and crossover locations as the current design means that:
 - Trucks will either have to back into the loading bay or if enter in forward gear, they will have to reverse out onto Weld Drive on a bend.
 - The design should allow for trucks to enter and depart the site in forward gear with an adequate manoeuvring area.
 - There is potential for traffic conflict between the loading crossover and an adjacent angled crossover to the bus parking / carpark near the kiosk/alfresco area.
- (l) Provide a truck movement and bus movement plan on the site plan. Written advice on the size of trucks and anticipated number of deliveries per week is also requested.
- (m) Provide additional written information on how the businesses proposed will be operated, whether there will be on site caretaker and clarify which uses will be available to the public.
- (n) Provide bin collection areas and advice on types of bins to be used.
- (o) Provide a landscaping strip for the length of carparking areas within the lot boundary adjacent to Weld Drive road reserve that can achieve visual relief of extensive hardstand/ parking areas, accommodate shade trees and for streetscape and amenity. The applicant to demonstrate that landscaping meets the Scheme condition that '*a minimum of 10% of the site shall be landscaped with particular regard to street frontages and outdoor recreation areas. Note: The use of indigenous species and water wise design principles is encouraged*'.

(p) Provide contour information on the site plan and how the natural topography is to be addressed.

- 3. Advise the applicant that the application is required to be advertised for 14 days under the Shire of Laverton Town Planning Scheme No 2; however Council does not seek to undertake consultation until such time as matters such as elevations and carparking / traffic circulation have been reviewed. It is important that additional information be provided so that public consultation can occur in an informed manner.**
- 4. Authorise the Chief Executive Officer to advertise the application for 14 days on receipt of additional information and revised plans from the applicant. Advertising shall include a newspaper notice, letters to nearby and surrounding landowners, and referral to the Department of Aboriginal and Indigenous Affairs.**
- 5. Provide a copy of this report to the applicant and encourage further liaison with the Shire's Chief Executive Officer and Shire Planning consultant.**

CARRIED 4/0

Cr R Wedge returned to the meeting and resumed the chair at 5.15pm.

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11.2 FINANCE AND ADMINISTRATION BUSINESS

OC1005	11.2.1	ACCOUNTS PAID AS AT 30 SEPTEMBER 2012	File Ref: 39
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The Senior Officer has an interest to the extent that she is a beneficiary of a locally operated business that is a creditor.

OWNER/APPLICANT: Shire of Laverton.

AUTHOR: Tamara Hill, Administration Assistant.

SENIOR OFFICER: Deanne Prior, Executive Manager Corporate & Community Services.

PREVIOUS MEETING REF: Not applicable.

MATTER FOR CONSIDERATION:
 The presentation of a list of accounts paid in the preceding month in accordance with Council Delegation 21.

ATTACHMENTS: Nil.

APPLICANT'S SUBMISSION: Not applicable.

BACKGROUND:
 In accordance with Delegation 21, the Chief Executive Officer has approved the following accounts for payment:

	<u>Trans #</u>	<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Amount</u>
Apollo Contracting Services - EFT					
	66,235	Bill Pmt - Cheque	06/09/2012		-510.00
Atom Supply - EFT					
	66,236	Bill Pmt - Cheque	06/09/2012		-502.16
	66,664	Bill Pmt - Cheque	21/09/2012		-206.44
Australia's Golden Outback - EFT					
	66,237	Bill Pmt - Cheque	06/09/2012		-295.00
Australia Post - EFT					
	66,665	Bill Pmt - Cheque	21/09/2012		-414.90
Australian Airports Association - EFT					
	66,238	Bill Pmt - Cheque	06/09/2012		-1,210.00
Australian Senior Publications - EFT					
	66,666	Bill Pmt - Cheque	21/09/2012		-196.35
Boc Limited - EFT					
	66,239	Bill Pmt - Cheque	06/09/2012		-142.61
Breakaway Earthmoving - EFT					
	66,667	Bill Pmt - Cheque	21/09/2012		-140,998.00
Bunnings Group Limited - EFT					
	66,240	Bill Pmt -	06/09/2012		-439.68

		Cheque		
Card Planet Pty Ltd - EFT				
	66,668	Bill Pmt - Cheque	21/09/2012	-425.04
Cardno (WA) Pty Ltd - EFT				
	66,669	Bill Pmt - Cheque	21/09/2012	-22,561.00
Christine McKinley - EFT				
	66,241	Bill Pmt - Cheque	06/09/2012	-62.75
City of Cockburn Public Library				
	66,714	Bill Pmt - Cheque	21/09/2012	11937 -49.50
City of Kalgoorlie-Boulder - EFT				
	66,242	Bill Pmt - Cheque	06/09/2012	-25,453.00
	66,670	Bill Pmt - Cheque	21/09/2012	-20.15
Clarkey's Carpentry - EFT				
	66,671	Bill Pmt - Cheque	21/09/2012	-250.00
Coca-Cola Amatil (Aust) Pty Ltd - EFT				
	66,243	Bill Pmt - Cheque	06/09/2012	-339.35
	66,672	Bill Pmt - Cheque	21/09/2012	-290.07
Coffee & Tea Supplies - EFT				
	66,244	Bill Pmt - Cheque	06/09/2012	-663.56
	66,673	Bill Pmt - Cheque	21/09/2012	-66.55
COR Engineered Cooling Pty Ltd - EFT				
	66,674	Bill Pmt - Cheque	21/09/2012	-2,538.80
Courier Australia - EFT				
	66,245	Bill Pmt - Cheque	06/09/2012	-474.18
	66,675	Bill Pmt - Cheque	21/09/2012	-92.21
Custom Service Leasing Pty Ltd - EFT				
	66,676	Bill Pmt - Cheque	21/09/2012	-34.05
David Gray & Co Pty Ltd - EFT				
	66,677	Bill Pmt - Cheque	21/09/2012	-426.80
David McKinley - EFT				
	66,246	Bill Pmt - Cheque	06/09/2012	-62.75
DB Zilm Pty Ltd - EFT				
	66,678	Bill Pmt - Cheque	21/09/2012	-10,477.50
Deckert, Steven - EFT				
	66,679	Bill Pmt - Cheque	21/09/2012	-553.65
Dell Australia Pty Ltd - EFT				
	66,247	Bill Pmt - Cheque	06/09/2012	-1,861.20
DVA Fabrications - EFT				
	66,680	Bill Pmt - Cheque	21/09/2012	-890.00
Eastgold Dairy Distributors - EFT				
	66,248	Bill Pmt - Cheque	06/09/2012	-509.90
	66,681	Bill Pmt - Cheque	21/09/2012	-280.35
Elissa Stout - EFT				
	66,682	Bill Pmt - Cheque	21/09/2012	-2,000.00
FESA - EFT				

	66,683	Bill Pmt - Cheque	21/09/2012		-344.04
First National Real Estate - EFT					
	66,249	Bill Pmt - Cheque	06/09/2012		-2,046.08
FORMAN BROTHERS - EFT					
	66,684	Bill Pmt - Cheque	21/09/2012		-2,333.10
Goldfields Commercial Security - EFT					
	66,685	Bill Pmt - Cheque	21/09/2012		-39.80
Goldfields Tourism Network Assoc - EFT					
	66,250	Bill Pmt - Cheque	06/09/2012		-40,150.00
Goldline Distributors - EFT					
	66,251	Bill Pmt - Cheque	06/09/2012		-598.06
	66,686	Bill Pmt - Cheque	21/09/2012		-430.77
Goldrush Tours - EFT					
	66,687	Bill Pmt - Cheque	21/09/2012		-887.40
Gray & Lewis Land Use Planners - EFT					
	66,688	Bill Pmt - Cheque	21/09/2012		-1,443.75
GVROC					
	66,715	Bill Pmt - Cheque	21/09/2012	11938	-13,718.10
Haines Norton - EFT					
	66,689	Bill Pmt - Cheque	21/09/2012		-10,615.00
Healthscope Pathology					
	66,279	Bill Pmt - Cheque	06/09/2012	11928	-55.00
	66,716	Bill Pmt - Cheque	21/09/2012	11939	-55.00
Hitachi Construction Machinery - Eft					
	66,252	Bill Pmt - Cheque	06/09/2012		-240.76
	66,690	Bill Pmt - Cheque	21/09/2012		-782.12
Horizon Power					
	66,280	Bill Pmt - Cheque	06/09/2012	11929	-1,361.10
	66,717	Bill Pmt - Cheque	21/09/2012	11940	-2,806.06
House of Sharday - Eft					
	66,253	Bill Pmt - Cheque	06/09/2012		-485.58
Iannello Design - EFT					
	66,691	Bill Pmt - Cheque	21/09/2012		-456.50
Jason Signmakers - Eft					
	66,254	Bill Pmt - Cheque	06/09/2012		-2,545.40
Joanna Seczkowski - EFT					
	66,255	Bill Pmt - Cheque	06/09/2012		-1,388.72
	66,692	Bill Pmt - Cheque	21/09/2012		-1,559.17
Kirsten Fleming - Eft					
	66,693	Bill Pmt - Cheque	21/09/2012		-2,000.00
Landgate - EFT					
	66,694	Bill Pmt - Cheque	21/09/2012		-2,024.45
Laverton Motors - Eft					
	66,695	Bill Pmt - Cheque	21/09/2012		-243.53
Lavertons Race Club					

	66,661	Bill Pmt - Cheque	21/09/2012	11935	-750.00
Lewis Partnership - EFT					
	66,256	Bill Pmt - Cheque	06/09/2012		-9,910.65
MCAHON BURNETT TRANSPORT - EFT					
	66,257	Bill Pmt - Cheque	06/09/2012		-386.95
	66,696	Bill Pmt - Cheque	21/09/2012		-605.05
National Australia Bank					
		Bill Pmt - Cheque	5/09/2012		-73,140.30
		Bill Pmt - Cheque	19/09/2012		-69,599.18
National Tyres - EFT					
	66,258	Bill Pmt - Cheque	06/09/2012		-6,866.75
	66,697	Bill Pmt - Cheque	21/09/2012		-1,364.00
Novimex Wholesale Giftware - EFT					
	66,259	Bill Pmt - Cheque	06/09/2012		-231.50
	66,698	Bill Pmt - Cheque	21/09/2012		-29.92
On-Line Business Equipment - Eft					
	66,260	Bill Pmt - Cheque	06/09/2012		-1,912.60
	66,699	Bill Pmt - Cheque	21/09/2012		-1,435.57
Optus Billing Services					
	66,718	Bill Pmt - Cheque	21/09/2012	11941	-1,056.13
Orica Australia Pty Ltd - Eft					
	66,700	Bill Pmt - Cheque	21/09/2012		-77.75
Outback Highway - EFT					
	66,930	Bill Pmt - Cheque	28/09/2012		-50,000.00
PBF Australia Ltd - Eft					
	66,261	Bill Pmt - Cheque	06/09/2012		-1,836.00
Peerless Jal Pty Ltd - EFT					
	66,262	Bill Pmt - Cheque	06/09/2012		-210.56
	66,701	Bill Pmt - Cheque	21/09/2012		-244.86
PETTY CASH TIN - SHIRE OF LAVERTON					
	66,662	Bill Pmt - Cheque	21/09/2012	11936	-461.25
Pivotel Satellite Pty Limited					
	66,719	Bill Pmt - Cheque	21/09/2012	11942	-520.41
Powerchill - EFT					
	66,263	Bill Pmt - Cheque	06/09/2012		-3,326.40
	66,702	Bill Pmt - Cheque	21/09/2012		-4,206.40
PsiTech Pty Ltd - Eft					
	66,703	Bill Pmt - Cheque	21/09/2012		-3,684.73
R.M. Williams Publishing Pty Ltd - EFT					
	66,264	Bill Pmt - Cheque	06/09/2012		-2,046.00
Robert Glenn Bone - EFT					
	66,265	Bill Pmt - Cheque	06/09/2012		-8,730.00
Roberts BT & PG - Eft					
	66,266	Bill Pmt - Cheque	06/09/2012		-2,640.00
SAS Telecom Pty Ltd - EFT					

	66,704	Bill Pmt - Cheque	21/09/2012		-9,395.98
Shaneane Weldon					
	66,281	Bill Pmt - Cheque	06/09/2012	11930	-1,445.77
Sheridan's for Badges - EFT					
	66,705	Bill Pmt - Cheque	21/09/2012		-137.83
Shire of Dandaragan					
	66,282	Bill Pmt - Cheque	06/09/2012	11931	-913.46
Shire of Laverton - Muni Acc -EFT					
	66,354	Bill Pmt - Cheque	12/09/2012	11934	-400.00
Shire of Leonora - Eft					
	66,267	Bill Pmt - Cheque	06/09/2012		-2,213.24
Site Ware Direct - EFT					
	66,268	Bill Pmt - Cheque	06/09/2012		-700.92
Star Track Express - EFT					
	66,269	Bill Pmt - Cheque	06/09/2012		-242.31
	66,706	Bill Pmt - Cheque	21/09/2012		-107.73
Sunny Sign Company Pty - EFT					
	66,707	Bill Pmt - Cheque	21/09/2012		-178.49
Telstra					
	66,283	Bill Pmt - Cheque	06/09/2012	11932	-301.20
The Eskoolup Trust - EFT					
	66,270	Bill Pmt - Cheque	06/09/2012		-19,800.00
The Sunday Times - EFT					
	66,271	Bill Pmt - Cheque	06/09/2012		-580.00
Toll Fast - EFT					
	66,272	Bill Pmt - Cheque	06/09/2012		-42.18
	66,708	Bill Pmt - Cheque	21/09/2012		-42.18
Toll Ipec Pty Ltd - Eft					
	66,273	Bill Pmt - Cheque	06/09/2012		-27.98
	66,709	Bill Pmt - Cheque	21/09/2012		-127.49
Total Eden - EFT					
	66,274	Bill Pmt - Cheque	06/09/2012		-119.72
Tourism Queensland - EFT					
	66,710	Bill Pmt - Cheque	21/09/2012		-1,782.00
Toyota Financial Services - EFT					
	66,442	Bill Pmt - Cheque	14/09/2012		-33,243.29
Truckline - EFT					
	66,275	Bill Pmt - Cheque	06/09/2012		-369.35
Visit Merchandise Pty Ltd - Eft					
	66,276	Bill Pmt - Cheque	06/09/2012		-4,427.67
	66,711	Bill Pmt - Cheque	21/09/2012		-1,345.03
WA Local Government Association - EFT					
	66,277	Bill Pmt - Cheque	06/09/2012		-7,202.57
Water Corporation					
	66,284	Bill Pmt - Cheque	06/09/2012	11933	-6,437.70

	66,720	Bill Pmt - Cheque	21/09/2012	11943	-200.00
Wedge Rob - EFT					
	66,712	Bill Pmt - Cheque	21/09/2012		-202.06
WESTNET PTY LTD - EFT					
	66,713	Bill Pmt - Cheque	21/09/2012		-27.98
			Total		-641,194.08

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

Reg. 34(2) – Provides a local government may require such other supporting information as is considered relevant by the local government.

POLICY IMPLICATIONS:

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:

Not applicable.

CONSULTATION:

Not applicable.

COMMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1005 COUNCIL'S DECISION/STAFF RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr B Fuamatu

That Council acknowledges receipt of the list of payments made under Delegation 21 as per the submitted list and summarised as following:

Municipal Fund payments including cheque numbers 11927 to 11944, electronic funds transfers and lease payments totalling \$641,194.08.

CARRIED 5/0

OC1006 11.2.2 OUTSTANDING DEBTORS REPORT AS AT 30 SEPTEMBER 2012 File Ref: 33
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Shire of Laverton.

AUTHOR: Tamara Hill, Administration Assistant.

SENIOR OFFICER: Deanne Prior, Executive Manager Corporate & Community Services.

PREVIOUS MEETING REF: Not applicable.

MATTER FOR CONSIDERATION:

The presentation of a report indicating the outstanding Debtor Balances as at the end of September 2012.

ATTACHMENTS: Nil.

APPLICANT'S SUBMISSION: Not applicable.

BACKGROUND:

Council has requested a report of the Outstanding Debtors of the Shire of Laverton as at the preceding month end.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

Reg. 5(1) (a) – The Chief Executive Officer is to establish efficient systems and procedures for the proper collection of all money owing to the local government.

POLICY IMPLICATIONS:

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:

Not applicable.

CONSULTATION:

Not applicable.

COMMENT:

The balance of Outstanding Debtors at 30 September 2012 is \$2,832,008.53.

The total debtor balance includes:

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
General Debtors	0.00	984,539.00	20,169.68	27,482.91	210,610.55	1,242,802.14
Doubtful Debt	0.00	0.00	0.00	0.00	-120,000.00	-120,000.00
Rates	<u>0.00</u>	<u>1,700,724.79</u>	<u>0.00</u>	<u>0.00</u>	<u>8,481.60</u>	<u>1,709,206.39</u>
TOTAL	<u>0.00</u>	<u>2,685,263.79</u>	<u>20,169.68</u>	<u>27,482.91</u>	<u>99,092.15</u>	<u>2,832,008.53</u>

VOTING REQUIREMENTS:

Simple majority decision required.

OC1006 COUNCIL'S DECISION/STAFF RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr B Fuamatu

That the report of Outstanding Debtors as at 30 September 2012 be received.

CARRIED 5/0

The rest of this page has been left blank intentionally.

OC1007 11.2.3 BANK RECONCILIATION REPORT AS AT 30 SEPTEMBER 2012 File Ref: 613

SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Shire of Laverton.

AUTHOR: Deanne Prior, Executive Manager Corporate & Community Services.

SENIOR OFFICER: Steven Deckert, Chief Executive Officer.

PREVIOUS MEETING REF: Not applicable.

MATTER FOR CONSIDERATION:

The report presented reflects the reconciliation of the Council's bank accounts, including invested funds, as at 30 September 2012.

ATTACHMENTS:

Attachment 11.2.3 "A" - Bank Reconciliation Report as at 30 September 2012.

APPLICANT'S SUBMISSION: Not applicable.

BACKGROUND:

Each month Council's financial accounting system and the various bank accounts operated by Council are reconciled as a means of determining the completeness and integrity of transaction processing.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

Reg. 34(2) – Provides a local government may require such other supporting information as is considered relevant by the local government.

POLICY IMPLICATIONS:

Policy 3.2 – Investments.

FINANCIAL IMPLICATIONS:

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:

Not applicable.

CONSULTATION:

Not applicable.

COMMENT:

The balance of the bank statement does not identify any outstanding receipts or payments that have not been received by the bank. This will generally mean that the balance on the bank statement will differ from the balance in the financial statements. The Bank Reconciliation

Report provides information of any outstanding receipts or payments so that a true picture is provided in relation to the balance of the various bank accounts.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1007 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr P Hill, Seconded Cr B Fuamatu

That:

- 1. The Bank Reconciliation as at 30 September 2012, as appended (Attachment 11.2.3 "A") be received.**

CARRIED 5/0

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OC1008 11.2.4 REIMBURSEMENT OF EXPENSES	File Ref: 39
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Shire of Laverton.

AUTHOR: Tamara Hill, Administration Assistant.

SENIOR OFFICER: Deanne Prior, Executive Manager Corporate & Community Services.

PREVIOUS MEETING REF: Not applicable.

MATTER FOR CONSIDERATION:
 Presentation of an information report to Council on expenses that have been reimbursed to Staff who have incurred expenditure during the course of business on behalf of Council.

ATTACHMENTS: Nil.

APPLICANT’S SUBMISSION: Not applicable.

BACKGROUND:

Pursuant to Policy No. 3.11, expenses have been incurred on behalf of Council:

Christine McKinley Rates/Records Officer	Reimbursement For WA Police Clearance	\$ 62.75
Joanna Seczkowski Community Development Manager	Reimbursement Of Expenses Relating To Pre-Employment Medical For Community Development Manger Position	\$ 1,388.72
Joanna Seczkowski Community Development Manager	Reimbursement for relocation costs	\$ 1,559.17
Robert Wedge President	Reimbursement for meal expenses & taxi fares incurred during Local Government Week	\$ 202.06
Steven Deckert Chief Executive Officer	Reimbursement of internet service fees to 8 Leahy close as per contract. Reimbursement for parts/repairs to OLA	\$ 553.65
	TOTAL	\$ 3,766.35

STATUTORY ENVIRONMENT:
 As per adopted Council Policy 3.11 – Reimbursement of Expenses.

POLICY IMPLICATIONS:
 Policy 3.11 - Reimbursement of Expenses.

FINANCIAL IMPLICATIONS:
 The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:

Not applicable.

CONSULTATION:

Not applicable.

COMMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1008 COUNCIL'S DECISION/STAFF RECOMMENDATION:

Moved Cr P Hill, Seconded Cr S Weldon

That Council acknowledge the reimbursement of expenses already paid in accordance with Policy No 3.11 amounting to \$3,766.35.

CARRIED 5/0

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OC1009 11.2.5 FINANCIAL STATEMENTS FOR THE PERIOD TO 31 AUGUST 2012 File Ref: 612
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Not Applicable.

AUTHOR: Deanne Prior, Executive Manager Corporate & Community Services.

SENIOR OFFICER: Steven Deckert, Chief Executive Officer.

PREVIOUS MEETING REF: Not applicable.

MATTER FOR CONSIDERATION:

To receive the Financial Activity Statements for the period to 31 August 2012.

ATTACHMENTS:

Appendix 11.2.5 "A" – Financial Report for Period to 31 August 2012.

BACKGROUND:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires the preparation of a statement of financial activity each month, reporting on revenue and expenditure. Material variances (as determined by the Council annually) between actual and budgeted figures must be commented on.

Variances between budgeted and actual expenditure, including the required Material Variances of plus or minus 10% and \$10,000, which is the limit set as per Council Resolution, should be reported on.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 1996
Regulation 34

POLICY IMPLICATIONS:

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:

Not applicable.

CONSULTATION:

Not applicable.

COMMENT:

The Financial Reports are presented monthly, generated by our off-site Accountants, UHY Haines Norton and printed in our office.

The August 2012 Financial Statements were not available at the time of preparing this agenda item and as a result it is not expected that a comparison between actuals and budget, or report on material variances, will be provided. Once the September financial statements are finalised, the first comparison and report on variances to the Adopted Budget will be provided.

Comments will be made in the future once the data provides sufficient information to make comparisons and comments. Note four of the financial statements provides information about the cash and investments for the month. As a result, this information will no longer be included in the Bank Reconciliation Agenda Item.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1009 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr P Hill, Seconded Cr L Hawkins

That the Financial Activity Statements for the month ending 31 August 2012, as presented and appended (Appendix 11.2.5 "A"), be received.

CARRIED 5/0

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11.3 WORKS AND SERVICES BUSINESS

OC1010	11.3.1	REALIGNMENT OF MEROLIA ROAD TO ACCOMMODATE MINING ACTIVITY	File Ref: 317
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Focus Minerals Ltd (formerly Crescent Gold Ltd).

AUTHOR: David McKinley, Executive Manager Technical Services.

SENIOR OFFICER: Steven Deckert, Chief Executive Officer.

PREVIOUS MEETING REFERENCE: Minute OC0915, 20 September 2012.

MATTER FOR CONSIDERATION:

To consider a request from Focus Minerals Ltd to realign a portion of the Merolia Road around gold deposits and associated blast zones, E38/1642 Tenement within close proximity to Burtville Townsite and Cemetery.

ATTACHMENTS:

Attachment 11.3.1 "A" – Letter and maps from Focus Minerals Ltd.

Attachment 11.3.1 "B" – Letter from CEO to Focus Minerals Ltd – 28 September 2012.

APPLICANT'S SUBMISSION:

Not applicable.

BACKGROUND:

Focus Minerals will be mining the Burtville Pit Q4 2012. Ore will be transported via a private haul road to the Barrick Granny Smith gold plant from Burtville. To ensure the safety of the general public and to minimise disruption to traffic during blasting, Focus Minerals have requested the Shire grant permission for Focus Minerals Ltd to divert the alignment of Merolia Road to a safe distance from mining operations and associated blast zone.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no Policies in relation to this matter.

FINANCIAL IMPLICATIONS:

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:

Not applicable.

CONSULTATION:

Mr Jim Cotton – Focus Minerals Ltd.
Mr Terry Tye- Focus Minerals Ltd.
Mr Steven Deckert – CEO, Shire of Laverton.
Mrs Deanne Prior – EMCCS, Shire of Laverton.
Elected Members.

COMMENT:

As previously mentioned Focus Minerals Limited have requested Shire of Laverton permission to realign a section of Merolia Road, the proposed alignment is approximately 4.1 km in length (Attachment 11.3.1 “A”).

Staff and Elected Members in having due regard for concerns raised during the Focus Minerals Ltd presentation at the 20 September 2012 Ordinary Meeting of Council (OMC), have inspected the Merolia Road site and proposed Focus mine site on 26 September 2012.

Subsequent to the above mentioned site visit, Steven Deckert, Chief Executive Officer (CEO) informed Ms Fiona Mayberry from Focus Minerals Limited of Council’s conditional support for the proposal as presented at the 20 September 2012 OMC (Attachment 11.3.1 “B”).

Tantamount to the conditional support letter dated 28 September 2012, Focus Minerals Ltd must also agree that all costs associated with the realignment will be borne by them. The Shire, while overseeing the project, will only offer advice and some supervision, both without accepting liability for any matters arising out of the proposed realignment project.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1010 COUNCIL’S DECISION/OFFICER’S RECOMMENDATION:

Moved Cr S Weldon, Seconded Cr L Hawkins

That Council:

Approve the realignment of Merolia Road proposal put to Council 20 September 2012 by Focus Minerals Limited with the following conditions:

- 1. Final road design including type of construction SLKs start and finish, treatment of water-crossings, and appropriate vertical and horizontal alignment carried out to the satisfaction of the CEO;**
- 2. A design, and scope of works to be provided to the Shire for approval prior to the commencement of works;**
- 3. Focus Minerals Limited prior to the commencement of works shall provide to the Shire a Traffic Management Plan (TPM) that covers the duration of Realignment works;**
- 4. Construct an access road from Merolia Road new alignment to the Burtville Townsite and Cemetery to the satisfaction of the CEO;**

5. **Placement of regulatory/advisory signage on the new alignment the fiscal/physical (chevrons, causeway, speed and so on) responsibility of Focus Minerals Limited;**
6. **Focus Minerals meeting all costs associated with the Merolia Road realignment proposal;**
7. **Prior to construction or commencement of site works, Focus Minerals Limited to organise with the Shire Staff a start up meeting;**
8. **Upon practical completion (PC) Focus Minerals Limited to organise with Shire Staff PC inspection;**
9. **Focus Minerals accepting responsibility for the road for a 12 month defect and maintenance period following construction;**
10. **At the end of the 12 month maintenance period Focus Minerals Limited shall organise with Shire Staff end of maintenance period onsite meeting;**
11. **At the end of the 12 month maintenance period all defects associated with the construction/realignment of Merolia Road (if any at all) to be reinstated at cost to Focus Minerals Limited to the satisfaction of the CEO;**
12. **Upon a satisfactory 12 month maintenance period the new Merolia Road alignment can be 'handed' to the Shire and included in the Shire asset registry and Focus Minerals limited having no further business to Merolia Road re-alignment;**
13. **Focus Minerals obtaining all the necessary environmental, Aboriginal Heritage and landowner approvals for the proposed alignment prior to commencing works;**
14. **Clearly define the public road network in this vicinity giving priority to the public road that ensures safe egress through the area;**
15. **This would include appropriate closing/rehabilitating of superceded alignment;**
16. **Undertaking a heritage assessment of the sites with potential heritage value with a focus on tourism. This assessment to include two stages. The first is to establish the heritage value of the sites including recommendations on how these can be developed into a tourism precinct and the second part is to implement the recommendations which may include access roads, carparks, pathways and interpretive signage;**
17. **All heritage sites including the Burtville Townsite are not to be disturbed and**
18. **Investigate development of a public viewing area of the new mining operations to compliment the heritage tourism experience.**

CARRIED 5/0

Declaration of Interest

Cr S Weldon declared an Impartiality Interest pursuant to Council's Code of Conduct, in the following Item 11.3.2, as Cr Weldon is the Hon. Secretary, and a part-time employee, of AMOS, the Governing Organisation at the Mt Margaret Community, which is a Not-For-Profit organisation.

OC1011 11.3.2 PURCHASE OF COMPACTOR TRUCK	File Ref: 633
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Shire of Laverton.

AUTHOR: David McKinley, Executive Manager Technical Services.

SENIOR OFFICER: Steven Deckert, Chief Executive Officer.

PREVIOUS MEETING REFERENCE: Minute OC0515, 24 May 2012.

MATTER FOR CONSIDERATION:

Purchase of a new Self Loading Fuso Fighter 6 with 8 cubic metre Rubbish Compactor \$209,935. Trade the existing 5 cubic metre 2007 model Isuzu for the Self Loading Fuso Fighter Truck.

ATTACHMENTS:

Attachment 11.3.2 "A" – Quotation and information on Fuso Fighter Compactor Truck.
Attachment 11.3.2 "B" – Quotation and information on ISUZU Medium Premium.
Attachment 11.3.2 "C" – Email from WACHS regarding funding of rubbish collection.

APPLICANT'S SUBMISSION: Nil

BACKGROUND:

Council agreed to provide a rubbish collection service to the Mt Margaret Community and this would be an inclusion in the 2012/13 Budget (Minute OC0515).

Shire of Laverton Senior Officers have been in liaison with Kenan Bender, Environmental Health Officer- Indigenous Communities Coordinator from Kalgoorlie, FaHCSIA have already forwarded their 'Standard Funded Agreement' for the \$50,000 contribution to rubbish truck attached to a letter from Nigel Wearie dated 6 August 2012.

In addition; the Health Department have agreed in principle (Attachment 11.3.2 "C") to fully fund the Mt Margaret component of the operational cost to the Shire of Laverton.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS: Policy 2.18 - Purchasing

FINANCIAL IMPLICATIONS:

Shire Officers have approached 3 WALGA approved suppliers.

A total of \$200,000 is included in the 2012/13 Budget for the truck - \$148,000 paid by the Shire, \$50,000 contribution and \$2,000 trade-in. Depending on which option is chosen the actual cost to the Shire will vary, as outlined below:

	BUDGET	PROPOSED OPTION 1	PROPOSED OPTION 2
Shire of Laverton	\$ 148,000	\$ 140,100	\$ 108,737
FaCSHIA	\$ 50,000	\$ 50,000	\$ 50,000
Trade In	\$ 2,000	\$ 25,900	\$ 27,273
Total	\$ 200,000	\$ 216,000	\$ 186,010

STRATEGIC IMPLICATIONS:

The Shire of Laverton is subject to the Integrated Planning and Reporting (IPR) Framework that has been established in order to allow Local Governments to plan sustainably for the future and to equip their organisations to respond to short, medium and long term community requirements. The acquisition of plant and equipment aids Council in the deliverables.

CONSULTATION:

Ray McKay, Shire Mechanic;
Steve Deckert, Chief Executive Officer;
Deanne Prior, Executive Manager Corporate & Community Services;
Kenan Bender, Environmental Health Officer, City of Kalgoorlie Boulder;
Bill Taiki Works Manager; and
Suppliers and industry colleagues.

COMMENT:

There was no intent to dispose of the existing 5 cubic metre 2007 model Isuzu rather keep it for a spare back up vehicle for the unexpected. This is in essence good planning. Furthermore; the use of the older Mitsubishi rubbish truck for a trade for the acquisition of the new compactor truck as mentioned in Minute OC0515, 24 May 2012 has merit and makes in principle good financial reasoning if such an undertaking were to come to fruition.

However; the 'older rubbish truck' has generated very little by way of interest in terms of either trade or the recent disposal of plant advertisement. Moreover; Shire staff were advised that "you will need to pay us for the removal of this aging vehicle".

Conversely; the 2007 model Mitsubishi attracted more interest for trade due to its condition and low mileage.

From an asset management view point; arguably having a vehicle laying idle predicated on its use as a spare conflicts with current asset management practices with regard to depreciation, quintessentially; the Shire would have a non performing asset that despite not working and earning income or providing deliverables, would require maintenance at cost to the Rate payer and again debatably the asset in question would depreciate exponentially.

Due to the above, Council is asked to consider trading in the 2007 Isuzu. Details of the purchase price and trade-ins are as follows:

1. Mitsubishi Fuso Fighter FK61HL1RFAC \$216,00 excl. GST \$237,600 incl. GST - Trade \$25,900 excl. GST \$28,490 incl. GST change over figure \$209,935 incl. GST (Attachment "A") delivery 16 – 20 weeks from date of order;
2. Isuzu 450 medium premium \$186,010 excl. GST \$204,611 incl. GST – Trade \$30,000 incl. GST change over \$174,611

As for the older Mitsubishi garbage truck it has previewed in the recent plant disposal Shire advertisement.

With regard to FaHCSIA and the Department of Health, both will need to enter into separate agreements with the Shire for the \$50,000 contribution towards the purchase of the new compactor truck and for the operational costs as endorsed by Council on 24 May 2012.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1011 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr P Hill, Seconded Cr B Fuamatu

That Council endorse conditionally:

The purchase of a new Self Loading Fuso Fighter 6 with 8 cubic metre Rubbish Compactor \$209,935 and Trade the existing 5 cubic metre 2007 model Isuzu for the Self Loading Fuso Fighter Truck, on the understanding of the following:

1. **The Shire enter into and sign agreement with FaHCSIA for contribution of \$50,000.00 toward the cost of the purchase as set out in the correspondence from Nigel Wearie dated 6 August 2012;**
2. **The Shire enter into and sign an agreement where the Department of Health Western Australia, as set out in 11.3.4 Council minutes dated 24 May 2012, meet the operational costs of verge side wheelie bin rubbish removal and**
3. **Condition 1 and 2 must come to fruition before the acquisition of the new compactor truck.**

CARRIED 5/0

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11.4 COMMUNITY DEVELOPMENT BUSINESS

Nil.

11.5 MANAGEMENT AND POLICY BUSINESS

OC1012 11.5.1 COUNCILLORS' INFORMATION ITEMS 9/12	File Ref: 635
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Not Applicable.

AUTHOR: Steven Deckert, Chief Executive Officer.

SENIOR OFFICER: Not applicable.

PREVIOUS MEETING REF: Not applicable.

MATTER FOR CONSIDERATION:

Receiving of the Information Items for the period ended 30 September 2012 by Council.

CONFIDENTIAL ATTACHMENTS:

Shire of Laverton Councillors' Information Items 9/12 circulated on 11 October 2012 under separate cover and is deemed to be a "Confidential" document for Councillors information only.

APPLICANT'S SUBMISSION: Not applicable.

BACKGROUND:

Councillors' Information Items 9/12 for period ending 30 September 2012 was completed and circulated to Councillors.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:

There are no financial implications in respect to this matter.

STRATEGIC IMPLICATIONS:

Keeping Councillors updated and informed in respect to matters impacting on their role as Councillor.

CONSULTATION:

Not applicable.

COMMENT:

The Councillors' Information Items is produced to provide Councillors with information that is relevant to their role as a Councillor for the Shire of Laverton, but not requiring a decision of Council.

The Councillors' Information Items was never intended to be a public document. Now with the inclusion of confidential information it is important that the Information Items be circulated to Councillors and Senior Staff only and not released to the general public.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1012 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr B Fuamatu

That the Councillors' Information Items 9/12 for the period ended 30 September 2012, as previously circulated to Councillors, be received.

CARRIED 5/0

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OC1013 11.5.2 FENCING LOCAL LAW 2012

File Ref: 578

SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Shire of Laverton.

AUTHOR: Glenn Bone, Project Officer.

SENIOR OFFICER: Steven Deckert, Chief Executive Officer.

PREVIOUS MEETING REF: Minute OC0822, 23 August 2012.

MATTER FOR CONSIDERATION:

Council to determine if it will now make the Fencing Local Law 2012.

ATTACHMENTS:

Attachment 11.5.2 “A” – Fencing Local Law 2012.

APPLICANT’S SUBMISSION: Not Applicable.

BACKGROUND:

At the August 2012 Meeting, Council resolved a proposal to make the Fencing Local Law 2012 and gave Statewide public notice (see “Consultation”) of its intention to do so. The proposed local law was advertised for the required six week period pursuant to section 3.12(3)(a)(iii) of the *Local Government Act 1995*.

No submissions were received and therefore Council may now make the proposed Fencing Local Law 2012.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 3.12 (1) – The following sequence should be followed in making a local law:

- (2) The person presiding is to ensure that a summary of the purpose and effect of the proposed local law is to be given in the agenda and recorded in the minutes of the Council meeting.
- (3) (a) Give Statewide public notice stating that –
 - (i) The local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

- (3a) The notice mentioned above is also to be published and exhibited as a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law that is not significantly different from what was proposed.
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

POLICY IMPLICATIONS: Policy 9.6 – Property Boundary Fencing.

Note: It is anticipated that this policy will be revoked after the local law comes into effect.

FINANCIAL IMPLICATIONS:
Cost of advertising in the *Government Gazette*.

STRATEGIC IMPLICATIONS:
Not applicable.

CONSULTATION:
Statewide public notice of intention to make the Fencing Local Law 2012 was given in the "*West Australian*", on 29 August, the "*Kalgoorlie Miner*" on 1 September 2012 and also the September issue of the "*Sturt Pea*".

COMMENT:
Not applicable.

VOTING REQUIREMENTS:
Absolute majority decision required.

OC1013 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr S Weldon, Seconded Cr L Hawkins

That pursuant to section 3.12(4) of the *Local Government Act 1995*, Council make the Fencing Local Law 2012 (as per Attachment 11.5.2"A") and authorise the affixing of the Common Seal of the Shire of Laverton.

CARRIED BY ABSOLUTE MAJORITY 5/0

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OC1014 11.5.3 ORDINARY MEETINGS OF COUNCIL – MEETING DATES 2013 File Ref: 307
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Shire of Laverton.

AUTHOR: Lynda Barnes, Executive Assistant.

SENIOR OFFICER: Steven Deckert, Chief Executive Officer.

PREVIOUS MEETING REFERENCE: Nil.

MATTER FOR CONSIDERATION:

To determine the dates and venues for the conduct of the Ordinary Council Meetings to be held in 2013.

ATTACHMENTS: Nil.

APPLICANT'S SUBMISSION:

That the meetings will be scheduled to be held on the second last Thursday of each month with the exception of the January and December Meetings.

BACKGROUND:

The local government is required to hold Ordinary Meetings and to provide notice of the proposed meeting dates.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 5.3 directs Council to hold Ordinary Meetings of Council, which are not to be more than 3 months apart; and

Local Government (Administration) Regulations 1996

Regulation 12(1) requires that at least once each year a local government is to give local public notice of the dates, times and places of Ordinary Meetings.

POLICY IMPLICATIONS:

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:

There are no financial implications in respect to this matter.

STRATEGIC IMPLICATIONS:

Not applicable.

CONSULTATION:

Not applicable.

COMMENT:

The meetings are scheduled to be held monthly in accordance with recent Council practice. Should a change of date or venue be required, notice of at least ten (10) days is required to be given.

It is proposed that the first Ordinary Meeting of 2013 will not be until 21 February, due to the holiday season in January.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1014 COUNCIL'S DECISION/STAFF RECOMMENDATION:

Moved Cr P Hill, Seconded Cr S Weldon

That Council determines that the Ordinary Meetings of the Shire of Laverton Council are to be held at the Council Chambers, Laverton commencing at 5.00pm on the following dates in 2013:

21 February 2013	20 June 2013	24 October 2013
21 March 2013	18 July 2013	21 November 2013
18 April 2013	22 August 2013	12 December 2013
23 May 2013	19 September 2013	

CARRIED 5/0

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OC1015 11.5.4 CLOSURE OF ADMINISTRATION OFFICE FOR CHRISTMAS – NEW YEAR BREAK 2012/13	File Ref: 308
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Not applicable.

AUTHOR: Lynda Barnes, Executive Assistant.

SENIOR OFFICER: Steven Deckert, Chief Executive Officer.

PREVIOUS MEETING REFERENCE: Not applicable.

MATTER FOR CONSIDERATION:

To set dates for the closure and re-opening of the Shire's administration facilities in relation to the break for Christmas 2012 and New Year 2013.

ATTACHMENTS: Nil.

APPLICANT'S SUBMISSION: Not applicable.

BACKGROUND:

It has been the practice of Council to close its offices each year between Christmas and New Year.

This year, Christmas Day falls on a Tuesday with Tuesday 25 and Wednesday 26 December being public holidays. New Year's Day and its public holiday fall on the following Tuesday 1 January 2013.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and,

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

There are no specific financial implications of the close-down as Staff that do not work on these days will utilise annual leave and / or rostered day off entitlements.

STRATEGIC IMPLICATIONS:

The Licensing agency is the significant facility that may cause some inconvenience due to non-availability of services during the close-down. However, it is considered that this inconvenience can be minimised by early advertising of the dates that the service will be unavailable.

CONSULTATION:

Works Manager, Bill Taiki.

Executive Manager Technical Services, David McKinley.

Executive Manager Corporate & Community Services, Deanne Prior.

COMMENT:

It is considered that a close down from 5.00pm on Thursday 20 December 2012 until 8.00am on Thursday 3 January 2013 is the most effective arrangement to provide Council's staff with the opportunity to travel to distant families while not jeopardising the goodwill of the community.

The town crew will be on duty as normal for every day clean-ups with the exception of Wednesday 26 December 2012.

As the normal rubbish collection day is a Wednesday, the rubbish collection will now be carried out on Thursday 27 December 2012. Notices will be placed on noticeboards and in the November and December Sturt Pea informing residents of the change of the rubbish collection day from Wednesday 26 December to Thursday 27 December 2012.

Road inspection personnel and fire control officers will be accessible and details of contacts will be made available to Councillors during December 2012.

The road crew will be shutting down over Christmas at the end of their work cycle on Tuesday 11 December 2012 and will resume again on Wednesday 23 January 2013.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1015 COUNCIL'S DECISION/STAFF RECOMMENDATION:

Moved Cr P Hill, Seconded Cr L Hawkins

That Council determines that the Administration Centre of the Shire of Laverton (including the Community Resource Centre) be closed from 5.00pm on Thursday 20 December 2012 until 8.00am on Thursday 3 January 2013.

CARRIED 5/0

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OC1016 11.5.5 REGIONAL COUNTRY LOCAL GOVERNMENT FUND (CLGF) – 2012/13 REGIONAL ALLOCATIONS	File Ref: 316
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Not Applicable.

AUTHOR: Steven Deckert, Chief Executive Officer.

SENIOR OFFICER: Not Applicable.

PREVIOUS MEETING REF: Minute OC0827, 23 August 2012

MATTER FOR CONSIDERATION:

To consider a proposal for the allocation of the 2012/13 Regional CLGF funds and if agreeable to approve the allocation.

ATTACHMENTS: Not applicable.

APPLICANT'S SUBMISSION: Not applicable.

BACKGROUND:

The third year of the Regional CLGF is now available and at the August Ordinary Meeting, Council resolved, in part:

That Council:

- 1. In respect to Item 7.1 – 2012/13 Country Local Government Fund – Regional Allocations:***
 - a. Concurs with and supports the general direction of the GVROC decision;***
 - b. Supports in-principle the proposed GVROC Alternative Energy and Norseman Gateway projects along with a project in this sub-region;***
 - c. In assisting to make a final decision, seek clarification from the Department of Regional Development and Lands as to firstly whether the CLGF Regional Funding Programme will be continuing past 2012/13 and whether a regional grouping can allocate funds between their region and an adjoining region; and***
 - d. Delegate authority to the CEO to meet with the Shire of Ngaanyatjaraku to determine the project/s for the 2012/13 CLGF Regional funding with Council's preference that an appropriate amount be directed, if possible, towards the GVROC projects of Alternative Energy and the Norseman Gateway as well as the Warburton Art Gallery extensions providing that 2013/14 funding is available and can be spent on a project in Laverton.***

The purpose of this report is to receive an update on the actions undertaken by the CEO under delegated authority and if appropriate to resolve to proceed with the 2012/13 Regional CLGF funds allocation as recommended.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS:

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:

Through a regional collaboration with the Shire of Ngaanyatjarraku, both Shires are able to allocate significant funding to projects that have a benefit to the region.

CONSULTATION:

Cr Damien McLean, President, Shire of Ngaanyatjarraku.

Mr Chris Paget, CEO, Shire of Ngaanyatjarraku.

Department of Regional Development and Lands (DRDL).

Cr Robert Wedge, President, Shire of Laverton.

COMMENT:

The total available Regional CLGF funding for the two Shires in 2012/13 is \$1,021,565.

In respect to the August decision of Council, the CEO has:

- Consulted with DRDL pursuant to point 3c of the above resolution.
- Consulted with the President and CEO of the Shire of Ngaanyatjarraku, and
- Advised GVROC of Council's August decision

The consultation with DRDL has confirmed that a regional grouping of local governments can direct all or some of their Regional CLGF allocation to another regional grouping. Further, it has been advised that there will be a fourth round of Regional CLGF allocations in 2013/14, however the dollar amounts are unknown at this time.

The CEO also took the opportunity to initially commence discussion with the Shire of Ngaanyatjarraku while travelling through Warburton on the Way to the OHDC AGM in Boulia. At this meeting discussion centred around this Council's August decision and potential regionally significant projects in the Shire of Ngaanyatjarraku and Laverton.

The outcomes of these discussions were:

- That the Shire of Ngaanyatjarraku agreed with the principle of allocating some of our regional funding to the GVROC's Alternative Energy and Norseman Gateway projects. The suggested amount was \$200,000.
- The Shire of Ngaanyatjarraku is "shovel ready" with their plans to extend the Warburton Art Gallery;
- That the remaining funds for 2012/13 of \$821,565 be allocated to the Warburton Art Gallery Extensions project;
- The Shire of Ngaanyatjarraku is amenable to the next round of the Regional CLGF funding being allocated to a regionally significant project in Laverton in 2013/14.

It is believed that this outcome is sound, in that we have some “buy-in” to the GVROC projects as well as investing in the development in this region. Should Council concur with this outcome as per the recommendation, it would mean that the Shire of Ngaanyatjarraku takes on the lead agency role for 2012/13 funding and then follows that the Shire of Laverton will be the lead agency for the following year. This will also enable us sufficient time to determine our regional project for 2013/14 and be “shovel-ready”.

VOTING REQUIREMENTS:

Simple majority decision required.

OC1016 COUNCIL’S DECISION/OFFICER’S RECOMMENDATION:

Moved Cr P Hill, Seconded Cr S Weldon

That Council:

- 1. Subject to the formal agreement of the Shire of Ngaanyatjarraku, determines that it endorses the allocation of the 2012/13 Regional CLGF funding of \$1,021,565 as follows:**
 - a. \$200,000 to the GVROC Regional Grouping towards their Alternative Energy Project and the Norseman Gateway Project;**
 - b. \$821,565 to the Shire of Ngaanyatjarraku’s Warburton Art Centre Extension Project.**
- 2. Seeks confirmation from the Shire of Ngaanyatjarraku that priority will be given to a regionally significant project in Laverton for the next funding round of the Regional CLGF Program in 2013/14.**

CARRIED 5/0

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OC1017 11.5.6 EXTRAORDINARY ELECTION 14 NOVEMBER 2012 – UPDATE FOLLOWING CLOSE OF NOMINATIONS	File Ref: 660
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Shire of Laverton.

AUTHOR: Steven Deckert, CEO and Returning Officer.

SENIOR OFFICER: Not applicable.

**PREVIOUS MEETING
REFERENCE:** Minute OC0715, 26 July 2012.

MATTERS FOR CONSIDERATION:

1. Receive a report following the close of nominations for the extraordinary election scheduled to be held on 14 November 2012;
2. If considered appropriate – seeking the approval of the Electoral Commissioner to allow the vacancy to remain unfilled until the ordinary election in October 2013; and,
3. If necessary setting a date for an extraordinary election.

ATTACHMENTS: Nil.

APPLICANT'S SUBMISSION: Not applicable.

BACKGROUND:

At the July 2012 Ordinary Council Meeting, Council set the date of 14 November 2012 to hold an extraordinary election to fill the vacancy created by the resignation of Cr Vanessa Thomas. Since the July Ordinary Meeting, the processes as required by the *Local Government Act 1995* and *Local Government (Election) Regulations 1996* to conduct the extraordinary election have been underway.

The most recent significant stage of the process was the close of nominations at 4.00pm on Monday 8 October 2012. It is at this time that the Returning Officer announces the nominations received and depending on the circumstances either declares the nominating candidate/s elected (if the number of nominations are equal to or less than the number of vacancies) or determines that an in-person election is required (if more nominations are received than vacancies).

However, in this case there were no nominations received at the close of nominations, therefore the extraordinary vacancy remains and effectively, the current process has reached its conclusion.

As a consequence, Council is now required to consider what the most appropriate course of action is to take, which can include:

- Setting another date for the extraordinary election and starting the process again, or
- Making application to hold the vacancy over until the next ordinary election in October 2013.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 4.8(1) – If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 or 2.33 an election to fill the office is to be held.

Section 4.9(1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed –

- (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
- (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).

(2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.

4.17(3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

**Absolute majority required.*

(4A) Subsection (3) applies –

- (a) if –
 - (i) the office is for a district that has no wards; and
 - (ii) at least 80% of the number of offices of member of the council in the district are still filled;

4.20(1) Subject to this section the CEO is the returning officer of a local government for each election.

(2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for –

- (a) an election; or
- (b) all elections held while the appointment of the person subsists.

**Absolute majority required.*

(3) An appointment under subsection (2) –

- (a) is to specify the term of the person's appointment; and
- (b) has no effect if it is made after the 80th day before an election day.

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

**Absolute majority required.*

- 4.37(1) An electoral roll is to be prepared for the election.
- (2)
- (3) A new electoral roll need not be prepared for the election if —
- (a) it is an extraordinary election the election day for which is less than 100 days after the election day for another election; and
 - (b) the CEO, with the approval of the Electoral Commissioner, decides that the roll that was used for the earlier election is suitable for use at the extraordinary election.

POLICY IMPLICATIONS:

Council has no policies in regards to this matter.

FINANCIAL IMPLICATIONS:

Council has already incurred approximately \$2,000 in advertising costs plus considerable staff-resource time for the initial extraordinary election. Conducting a further extraordinary election will mean doubling these costs as well as further staff time to organise and run the election.

Not filling the vacancy will have the following impacts:

- savings in respect to election expenses (advertising costs and staff time).
- savings in respect to members fees, allowances, training and conference expenses.

STRATEGIC IMPLICATIONS:

Holding the vacancy over requires functioning with one less member which means that the quorum will still be four (4), and could possibly present problems from time to time through absences of remaining members, or through declarations of financial interest.

CONSULTATION:

Discussions with the Western Australian Electoral Commission have indicated a high chance of success should a formal application be made to hold over the vacancy pursuant to section 4.17(3) of the *Local Government Act 1995*.

COMMENT:

As mentioned in “Background”, Council has two options open to it. These are:

- Follow the procedure for an extraordinary election;
- Or
- Seek approval from the Electoral Commissioner to hold the vacancy over to October 2013.

Normal procedure would require the process of an extraordinary election to be put in place, however there is a practical alternative that Council may wish to pursue. Put simply, this entails not filling the position and therefore holding the vacancy over to the 2013 ordinary election date.

Such a pathway is possible via section 4.17(3) of the *Local Government Act 1995*, which allows a local government with the approval of the Electoral Commissioner, to leave the vacancy unfilled until the next ordinary election day (October 2013). It is a condition of section 4.17 that subsection (3) applies if the vacancy is for a district that has no wards and at least 80% of the number of offices of member are still filled. In the Shire’s case, the loss of one member means that 85.71% of the positions are still filled.

1. If Council's preference is to conduct an extraordinary election, then it is presumed Council would prefer an "in person" election. The *Local Government Act 1995* provides in this situation that the vacancy is deemed to have occurred on the day after close of nominations, being 9 October 2012. The Act then requires, if an extraordinary election is to be held, then the position needs to be filled within 4 months of the vacancy occurring. This establishes that the latest date to hold an extraordinary election would be 8 February 2013. The shortest possible time to conduct an election is 45 days prior to nominations opening and dependent on whether the previous Residents Roll can be used.

Prevailing deadlines for the placing of Statewide advertising for the opening of nominations mean that an advertisement for the "*West Australian*" could probably be made on Wednesday 24 October 2012 (dependent on the approval of the Electoral Commissioner). An election date of 12 December would fit this scenario.

However, if Council were to opt to place advertisements to allow for the enrolment of owners and occupiers, then the timeframe will expand from between 11 to 25 days resulting in an election day some time in January 2013.

Both scenarios are less than ideal for the running of an election.

2. Should Council prefer to hold over the vacancy and make an application to the Electoral Commissioner, then there is sufficient time to make the application and then consider the Electoral Commissioner's decision at the November Ordinary Meeting to still comply with the timelines set by the Act.

Previous advice from staff at the Western Australian Electoral Commission indicates that the chance of a successful application is high and would be determined within a week of making an application.

Conclusion

In summing up this report, it is believed that holding over the vacancy is the best alternative for Council. In doing so it is acknowledged that there may be instances when Council is faced with a quorum problem, however there are means for dispensation.

While Council has the option to commence the extraordinary election process once again, it is recommended that an application be made to hold the vacancy over for the following reasons:

- A lack of interest in the extraordinary election just undertaken,
- the time elapsed since the vacancy,
- If the vacancy was filled this time, the successful candidate would only be in office for about 8 months;
- Inconvenient to run an election over the Christmas/New Year period
- Additional costs and further staff resources required to conduct the election

VOTING REQUIREMENTS:

Absolute majority decision required.

OFFICER'S RECOMMENDATION:

That Council seek the approval of the Electoral Commissioner pursuant to section 4.17(3) of the *Local Government Act 1995*, to allow the vacancy remaining following the close of nominations on 8 October 2012 to remain unfilled until October 2013.

OC1017 COUNCIL'S DECISION:

Moved Cr L Hawkins, Seconded Cr B Fuamatu

That Council, pursuant to section 4.17(3) of the *Local Government Act 1995* seek the approval of the Electoral Commissioner to allow the vacancy caused by the resignation of Cr Vanessa Thomas, to remain unfilled until October 2013.

CARRIED BY ABSOLUTE MAJORITY 5/0

Reason for amendment

The amendment was made to clarify the recommendation.

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OC1018 11.5.7	MANAGEMENT OF CAMPING IN LAVERTON TOWN COMMON – UPDATE	File Ref: 694
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SUBMISSION TO: Ordinary Meeting of Council, 18 October 2012.

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

OWNER/APPLICANT: Not Applicable.

AUTHOR: Steven Deckert, Chief Executive Officer.

SENIOR OFFICER: Not Applicable.

PREVIOUS MEETING REF: Minute OC0118, 21 January 2010

MATTER FOR CONSIDERATION:

To consider an updated report on itinerant camping around the Laverton Townsite and implementing the recommendations of the report.

ATTACHMENTS:

Attachment 11.5.7 “A” – Extract of report and resolution of Minute OC0118 of the Ordinary Meeting of Council held 21 January 2010.

Attachment 11.5.7 “B” – Report prepared by the Community Capacity Building Officer “Report on Itinerant Camping – Shire of Laverton”

APPLICANT’S SUBMISSION: Not applicable.

BACKGROUND:

The matter of itinerant camping around the town environs has been an issue for a number of years. Council considered a report at the Ordinary Meeting on 21 January 2010 and resolved, in part, at that time:

That Council:

- 1. Agrees in-principle to develop and implement a “No Camping Policy” based on the legal advice tabled at this meeting;***
- 2. Will further deliberate adopting a “No Camping Policy” once the CEO has obtained all the necessary information for Council’s consideration;***

A full extract from the minutes of 21 January 2010 is attached (Attachment 11.5.7 “A”) for Council’s information and background to this matter.

Following the decision of 21 January 2010, action in developing the proposed “No Camping Policy” was placed in abeyance due to the proposal to develop an Aboriginal Short-stay Accommodation Facility in Laverton through a partnership with the Shire of Ngaanyatjarraku utilising Regional CLGF funding. It was thought that the short-stay facility was integral in dealing with the camping issue as it provided an alternative safe and healthy accommodation option. As Council would be aware, the short-stay facility did not receive the required State Government support and is therefore not going to proceed.

As a consequence, the issue of itinerant camping and how this can be managed needs to be put back on the table for consideration again.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies; and

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Shire of Laverton Local Government Property Law

Clause 3.14 – Prohibits camping on Shire property without a permit

Clause 3.15 – Prohibits consumption of alcohol on Shire property without a permit;

Clause 4.4 – Prohibits persons from entering or remaining on Shire property while under the influence of liquor or a prohibited drug;

Clause 4.5 – Prohibits the taking onto Shire property and consumption of a prohibited drug on Shire property.

POLICY IMPLICATIONS:

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS:

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS:

One of Council's major roles is to ensure that through good local government, the amenity and well-being of the town's residents are maintained and improved as well as ensuring a safe environment for visitors.

CONSULTATION:

Mr Grant Steele, Community Capacity Building Officer (CCBO).

COMMENT:

With the itinerant camping matter back on the table, the CEO requested the CCBO to review all the available information on file and recommend a way forward based on the situation as it is today.

The CCBO's report is appended (Attachment 11.5.7 "B") for Council's reference. In the attached report, the CCBO has recommended:

- Identify suitable sites for appropriate signage as a matter of urgency.
- Erect signage to all entrances to Laverton and other well-known back tracks.
- Prepare suitable flyers to advise all visitors to Laverton of their obligations when visiting Laverton.
- Arrange visitation to the lands and conduct community meetings at each community to educate prospective visitors as to their responsibilities and obligations when visiting Laverton.
- That appropriate persons be appointed as "authorised officers" to enforce the provisions including Shire employees, Police Officers and contractors.

These are specific actions that could be implemented almost immediately. However it may be wise to first develop an overarching policy document that sets out Council's position in respect to camping, the reasoning for this position and what Council is going to do about it, which then supports the introduction of the various actions that follow. The CCBO's recommendations certainly become part of the bigger picture.

The recommendation of this report is essentially endorsing the reactivation of the January 2010 decision

VOTING REQUIREMENTS:

Simple majority decision required.

OFFICER'S RECOMMENDATION:

That Council:

1. Receives the Community Capacity Building Officer's Report as attached (Attachment 11.5.7 "B") and acknowledges the recommendations contained therein;
2. Reaffirms the decision of 21 January 2010 (Minute OC0118), namely that a "No Camping Policy" be developed, as a priority, and to incorporate the intent of the recommendations as contained in the Community Capacity Building Officer's Report into the draft No Camping Policy.
3. Requires the draft No Camping Policy to be referred back to Council as soon as practicable.

OC1018 COUNCIL'S DECISION:

Moved Cr P Hill, Seconded Cr B Fuamatu

That Council:

1. **Receives the Community Capacity Building Officer's Report as attached (Attachment 11.5.7 "B") and acknowledges the recommendations contained therein;**
2. **Reaffirms the decision of 21 January 2010 (Minute OC0118), namely that a "No Camping Policy" be developed, as a priority, and to incorporate the intent of the recommendations as contained in the Community Capacity Building Officer's Report into the draft No Camping Policy.**
3. **Requires the draft No Camping Policy to be referred back to Council as soon as practicable.**
4. **Proposed signage design is to be referred back to Council.**

CARRIED 5/0

Reason for amendment

Recommendations from the Community Capacity Building Officer's Report stated that signage should be erected. Council wanted to approve the design of the signage before they are supplied and erected.

ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no motions from Elected Members of which previous notice has been given.

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

There is no new business of an urgent nature at the time of printing the agenda.

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

PROCEDURAL MOTION – COUNCIL DECISION

Moved Cr B Fuamatu, Seconded Cr P Hill

That this meeting be closed to members of the public and move behind closed doors to discuss:

14.1 Expressions of Interest to develop new supermarket in Laverton – update following advertising of EOI's (File Ref: 321)

As this item refers to a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, pursuant to Section 5.23 (2)(e)(iii) of the *Local Government Act 1995*.

CARRIED 5/0

Declaration of Interest

Cr R Wedge declared a Financial Interest, pursuant to the *Local Government Act 1995*, in the following Item 14.1 as owner of a business currently involved in legal proceedings with the business in this Agenda Item.

As the Deputy President R Ryles was not present at the meeting, pursuant to section 5.6(3)(b) of the *Local Government Act 1995*, those Councillors in attendance chose Cr P Hill to preside at the meeting in the absence of the President and the Deputy President.

Moved Cr B Fuamatu, Seconded L Hawkins

CARRIED 4/0

The meeting went behind closed doors at 5.58pm.

Cr R Wedge and Mrs L Barnes left the meeting at 5.58pm.

On the departure of the President, Cr P Hill assumed the chair.

OC1019	14.1	EXPRESSIONS OF INTEREST TO DEVELOP NEW SUPERMARKET IN LAVERTON – UPDATE FOLLOWING ADVERTISING OF EOI's	File Ref: 246
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OC1019 COUNCIL'S DECISION/OFFICER'S RECOMMENDATION:

Moved Cr L Hawkins, Seconded Cr S Weldon

- 1. Acknowledges the two expressions of interest received;**
- 2. At this time is unable to select one EOI over the other due to the lack of all the necessary information in order to make an informed decision;**
- 3. Delegates authority to the CEO to undertake the necessary action and investigations in order to be able to present to Council a clear understanding of both proposals including the development costs, building design, site works, funding and ongoing operational matters;**
- 4. In undertaking the delegation as outlined in point 3 above, the CEO has authority to incur expenditure that may be necessary such as obtaining technical expertise and assistance, up to a limit of \$10,000, from the Economic Development Reserve Account.**

CARRIED 4/0

PROCEDURAL MOTION – COUNCIL DECISION

Moved Cr L Hawkins, Seconded Cr S Weldon

That Council agrees to reopen the meeting to the public and come from behind closed doors at 6.12pm.

CARRIED 4/0

On reopening the meeting, Cr P Hill noted that there were no public present and therefore did not read aloud the decisions made behind closed doors.

Cr R Wedge and Mrs L Barnes returned to the meeting at 6.13pm.

Cr R Wedge resumed the chair at 6.13pm.

15. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday, 22 November 2012 at the Shire of Laverton Council Chambers, commencing at 5.00pm.

16. CLOSURE OF MEETING

There being no further business, the President Cr R Wedge declared the meeting closed at 6.15pm.

17. CERTIFICATION BY CHAIRMAN

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 18 October 2012 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 22 November 2012.

Signed _____

Dated: _____ 2012

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